

APPENDIX 1

PRE-HEARING NOTE

8 September 2020

Appeal ref: APP/P3420/C/18/3218107
Appellant: Mr Thomas Maughan
Land at 5 Boggs Cottages, Keele Road, Newcastle-under-Lyme, ST5 5AB

1. The Hearing into the above appeal is scheduled to open at 10.00 hours on Tuesday 6 October 2020 and sit for that single day.
2. However, in order to limit the spread of Covid-19, [the Planning Inspectorate \(PINS\) has postponed physical hearings and inquiries](#) for the foreseeable future.
3. PINS has started to run hearings and inquiries virtually, that is, via video and/or telephone. However, it is recognised that there will be some cases where the hearing or inquiry could not be held virtually. Case officers and Inspectors are currently advised that a virtual event for an Enforcement Hearing may not be appropriate in circumstances which include:
 - *The appellant or any other persons entitled to appear are not professionally represented and the Inspector considers a virtual event would consequently cause injustice to that person.*
 - *The number of sitting days is estimated by the parties to be greater than two.*
 - *The event is likely to include the presentation and discussion of evidence, which includes sensitive personal information or other matters affected by the Public Sector Equality Duty...*
 - *In an appeal on ground (a), there are two or more reasons for refusal or likely main issues which suggest a complexity regarding a highly inquisitorial approach by the Inspector.*
 - *The appellant (or other persons entitled to appear) does not have the technical capability to participate in a virtual event.*
4. It appears to me that at least some of those criteria are likely to apply to this appeal.
 - *Keele Parish Council and the other interested parties are not professionally represented.*
 - *The number of sitting days has been estimated as one, on the basis that the event will be held physically. However, virtual events take longer because frequent screen breaks are required. For that reason and given the number of issues raised in this case as described below, a virtual hearing would take at least two days.*
 - *There is an appeal on ground (a), and the planning issues raised by the parties include: inappropriate development in the Green Belt and the extent of harm to the Green Belt; impacts on local residents; sewage and water contamination; the provision of and need for traveller sites, with regard to the Gypsy and Traveller Accommodation Assessment (GTAA); the availability of alternative sites; the extent to*

which the alleged breach of condition complies with Policy CSP7 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS) – and the weight of any such compliance; personal circumstances; and Green Belt balance.

- *Other matters to discuss at the hearing will include the enforcement notice, the planning history of the site, human rights and equality matters, any planning conditions to be imposed in the event that ground (a) succeeds – and, in case ground (a) fails, the grounds of appeal (f) and (g).*
 - *I do not know whether the appellant and/or interested parties have the technical capability to participate in a virtual event but either way I would expect the appellant to need to liaise with their agent during proceedings, and local residents may also wish to confer.*
5. For the avoidance of doubt, I am prepared to hold the hearing as a virtual event so long as that would not prejudice any party. At this stage, it appears to me that running the event virtually would risk unfairness to the appellant and/or interested parties.
 6. PINS is trialling 'blended events' where there may be a combination of physical attendees in one or more locations, as well as a virtual element where participants can join through video conferencing or telephone. The two elements need not take place simultaneously but could potentially be staggered in time provided that the proceedings are broadcast and made accessible to those who cannot participate in one of the events. Again, I am prepared to hold this hearing as a blended event but that would not be feasible on 6 October.
 7. Section 20 of the Business and Planning Act 2020, which came into force on 22 July 2020, amend s319A of the Town and Country Planning Act 1990 to enable appeals to be determined under 'one or more' procedures so that, for example, some matters could be considered at a hearing and others by written representations. In my view, from the appeal issues and the interest by local residents, the procedure would always need to at least include a hearing.
 8. **I therefore propose to postpone the hearing. I ask the parties to let me know whether they agree with this assessment or would wish the hearing to take place virtually on 6 October or prefer that the appeal is dealt with by a different procedure. Please reply to this email by no later than 17.00 on Wednesday 16 September 2020. I shall decide the procedure before Tuesday 22 September when the Council would need to notify interested parties of the any hearing on 6 October.**
 9. I also ask the parties to clarify in their responses as to whether there has been any negotiation or narrowing of the issues which might affect the procedural decisions.

Jean Russell

INSPECTOR